

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

STEVEN E. PHILLIPS and
MELISSA PHILLIPS

PLAINTIFFS

v.

Civil No. 07-5003

J. JOHNSON CONSTRUCTION
COMPANY, INC., and JOHNNY
E. KIMBROUGH

DEFENDANTS

AMENDED AND SUBSTITUTED ORDER

Now on this 28th day of September, 2007, comes on for consideration the parties' **Joint Motion To Dismiss With Prejudice** (document #18), and the Court, being well and sufficiently advised, finds that said motion should be, and same hereby is, **granted**, and this matter is **dismissed with prejudice**, subject to the terms of the settlement agreement.

If any party desires to make the terms of the settlement a part of the record herein, those terms should be reduced to writing and filed with the Court within thirty days from the file date of this Order.

The Court retains jurisdiction to vacate this Order and to reopen the action upon cause shown that settlement has not been completed and that a party wishes this Court to enforce the settlement agreement specifically.

IT IS SO ORDERED, this 1st day of October, 2007, *nunc pro tunc* September 28, 2007.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE